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United States District Court
for the
Eastern District of New York

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Eduardo Cruz

Case Number 96-CR-432-2

Name of Sentencing Judicial Officer: The Honorable Frederic Block, U.S. District Judge

Date of Original Sentence: February 28, 1997

Original Offense: Conspiracy to Possess With Intent to Distribute Cocaine Base

Original Sentence: One hundred twenty-one (121) months custody, 3 years supervised release, and a \$50 special assessment. Special condition: the defendant shall not possess a firearm.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 12, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall refrain from the use of alcohol and all other illegal substances. The defendant shall participate in substance abuse treatment and testing with a provider selected by the Probation Department. Treatment may include outpatient or residential services as well as drug testing. The defendant shall contribute to the cost of services rendered via co-payments or full payment in an amount to be determined by the Probation Department, based upon their ability to pay and/or the availability of third party payment.

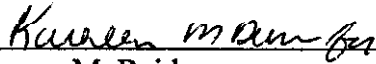
CAUSE

As Your Honor may recall, on July 13, 2005, the Probation Department advised that the offender was arrested and charged with Criminal Possession of a Controlled Substance 3rd Degree. This charge remains pending in Brooklyn Criminal Court and we will immediately notify Your Honor of the disposition of this case.

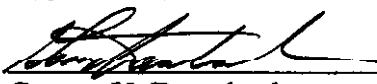
In addition to his criminal activity, the offender has recently submitted urine samples that tested positive for opiates and cocaine. As a result of his drug usage, the offender has been referred to an outpatient substance abuse treatment center located in Brooklyn, New York. If the offender is unable to obtain abstinence in an outpatient setting, he will be referred to a residential treatment program. On July 27, 2005, the releasee signed the attached waiver for a hearing on this matter agreeing to attend drug treatment.

Based on the above, we respectfully recommend the imposition of a special condition ordering drug treatment and testing.

Respectfully submitted by,


Trevor M. Reid
Senior U.S. Probation Officer
Date: 7/28/05

Approved by,


George V. Doerrbecker
Deputy Chief U.S. Probation Officer
Date: 7-28-05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Signature of Judicial Officer

Date

8/1/05

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

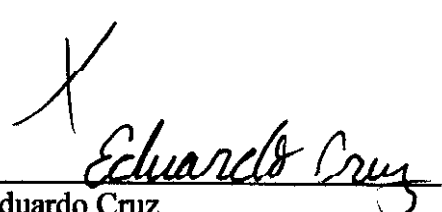
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall refrain from the use of alcohol and all other illegal substances. The defendant shall participate in substance abuse treatment and testing with a provider selected by the Probation Department. Treatment may include outpatient or residential services as well as drug testing. The defendant shall contribute to the cost of services rendered via co-payments or full payment in an amount to be determined by the Probation Department, based upon their ability to pay and/or the availability of third party payment.

Witness:


Trevor Reid
Sr. U.S. Probation Officer

Signed:

X

Eduardo Cruz
Supervised Releasee

2/07/05
DATE